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07/977,033 02/11/93 LEWIS

S JAS131

EXAMINER

WITKOWSKI, S

21M1/0921

ART UNIT

PAPER NUMBER

12

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2107

DATE MAILED:

09/21/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474..
6. _____

Part II SUMMARY OF ACTION

1. Claims 1-31 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-31 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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4. Claims 1-4 and 18-31 are rejected under 35 U.S.C. § 102(b) as being fully met by Cahill.

Cahill discloses the transmission of musical sounds over a network or public telephone line to subscriber's homes for a fee.

5. Claims 5-8 are rejected under 35 U.S.C. § 103 as being unpatentable over Cahill as applied to claims 1-4 and 18-31 above, and further in view of Tsumura.

Cahill generally meets these claims as set forth in the preceding paragraph, but fails to disclose the transmission of applicant's video information. Tsumura discloses the transmission of musical songs and corresponding video information via public telephone to a karaoke device. Hence, it would have been obvious to one of ordinary skill in the art to transmit video information in Cahill so that Cahill could be used with a modern karaoke device.

6. Claims 9-31 are rejected under 35 U.S.C. § 102(e) as being fully met by Kuo et alii or either of the two Okamura et alii patents.

Each patent discloses a karaoke device wherein musical and video information are transmitted on separate tracks.

7. Claims 1-31 are rejected under 35 U.S.C. § 102(e) as being fully met by Tsumura.

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Tsumura discloses the transmission of separate musical and video information via public telephone to a karaoke device for a fee.

8. Any inquiry concerning this communication should be directed to Stanley J. Witkowski at telephone number (703) 308-1782.

witkowski/ds
September 14, 1994



STANLEY J. WITKOWSKI
PRIMARY EXAMINER
GROUP 2100